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Attorney for Claimants
Nader and Laurice Mogannam

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

In re
PG&E Corporation,
and
PACIFIC GAS AND ELECTRIC COMPANY,
Debtors.

Case No. 19-30088-DM

Chapter 11
Lead Case, Jointly Administered

**MOTION PURSUANT TO FED. R.
BANKR. PROC. 7015 AND 7017 TO JOIN
REAL PARTY IN INTEREST FOR
CLAIM PREVIOUSLY FILED; OR, IN
THE ALTERNATIVE, TO ENLARGE
TIME TO FILE PROOF OF CLAIM
PURSUANT TO FED. R. BANKR. PROC.
9006(b)(1); MEMORANDUM OF POINTS
AND AUTHORITIES; DECLARATION OF
ROBERT M. BONE IS SUPPORT**

Date: 12/15/20

Time: 10:00 a.m. (Pacific Time)

Place: Telephonic/Video Appearances Only
United States Bankruptcy Court
Courtroom 17,
450 Golden Gate Ave., 16th Floor
San Francisco, CA

Judge: Hon. Dennis Montali

Objection Deadline: December 8, 2020

BACKGROUND

Pursuant to Rules 7015 and 7017 of the Federal Rules of Bankruptcy Procedure, which incorporate Federal Rules of Civil Procedure 15 and 17, by this motion (“Motion”), Nader Mogannam and Laurice Mogannam (Nader Mogannam’s wife) (“Movants”) move to add Laurice Mogannam as an additional claimant and wife of Nader Mogannam. Mr. Mogannam previously filed Proof of Claim, Claim Number 31126, attached to the Declaration of Robert M. Bone as Exhibit 1. As a result of counsel’s mistaken omission, Laurice Mogannam was not included in Mr. Mogannam’s Proof of Claim. They lived in the same household at the time of the fire and Laurice Mogannam should have been included in the Proof of Claim.

Alternatively, Movants seek an order expanding the time for them to file their Proof of Claim, and allow, Claim Number (not yet assigned), attached to the Declaration of Robert M. Bone as Exhibit 2, to be considered timely filed. Claim Number (not yet assigned) was filed on November 17, 2020.

This Motion is based upon the points and authorities set forth herein and the concurrently filed Notice of Hearing and Declaration of Robert M. Bone in support of the Motion, in addition to any evidence or oral argument presented at the time of any hearing on this matter. In support thereof, the Movants, by and through their undersigned counsel, respectfully represent as follows:

BASIS FOR RELIEF REQUESTED

The general bar date in these cases was October 21, 2019 (“Original Bar Date”). The process for submission of timely claims was continued after the Original Bar Date. Pursuant to the Stipulation Between Debtors and Official Committee of Tort Claimants to Extend Bar Date for Fire Claimants and for Appointment of Claims Representative (Dkt No. 4651), the Original Bar Date was extended for the benefit of Unfiled Fire Claimants to December 31, 2019 at 5:00 p.m. (Prevailing Pacific Time). The Debtors’ Chapter 11 plan (“Plan”) was confirmed by court order on June 20, 2020, and pursuant to the Notice of Effective Date, the Plan became effective as of July 1, 2020.

1 This Motion concerns the claim of Nader Mogannam, whose wife, Laurice Mogannam
2 was erroneously not included as a claimant on Mr. Mogannam's original claim form at the
3 time Mr. Bone originally submitted the claim for damages and losses that resulted from the
4 Tubbs Fire. Claimant's counsel sought to remedy this oversight through a request to the Fire
5 Victim Trust to add the individual. Unfortunately, it does not appear this can be done without
6 leave of the Court and therefore it is respectfully requested the Court grant such relief.

7 Under Rules 7015 and 7017 of Federal Bankruptcy Procedure (which incorporate
8 Federal Rules of Civil Procedure 15(c) and 17(a)(3)) because there is a lack of bad faith on the
9 part of Movants and their counsel in failing to include Laurice Mogannam as part of Mr.
10 Mogannam's original claim, it is respectfully requested the Court allow the addition of Laurice
11 Mogannam to the original claim, Claim Number 31126 .

12 In the alternative, to the extent that an extension of the bar date is required to
13 effectuate the purpose of Rules 7015 and 7017, it is respectfully requested the mistake should
14 be allowed to be corrected by permitting the late filing of the amended Proof of Claim under
15 Bankruptcy Rule 9006(b).

16 Application of the so-called Pioneer factors shows that Movants' late filing is the result
17 of excusable neglect and therefore permissible under Rule 9006(b)(1). In permitting a
18 creditor's late filing under Bankruptcy Rule 9006(b)(1), the Supreme Court explained that
19 Congress, by empowering the courts to accept late filings where the failure to act was the
20 result of excusable neglect, plainly contemplated that courts would be permitted, where
21 appropriate, to accept late filings caused by inadvertence, mistake or carelessness, as well as
22 by intervening circumstances beyond the party's control. *Pioneer Inv. Servs. Co. v. Brunswick
Associates L.P.*, (1993) 507 U.S. 380 at 388. The Supreme Court further clarified that whether
23 a claimant's neglect of a deadline is excusable is an equitable determination, taking account of
24 all the relevant circumstances surrounding the claimant's omission. See *id.* at 395. These
25 equitable considerations include (1) The danger of prejudice to the debtor, (2) The length of
26 the delay and its potential impact on judicial proceedings, (3) The reason for the delay,
27

1 including whether it was within the reasonable control of the movant, and (4) whether the
2 movant acted in good faith.

3 As to the first such factor, Movants' late filing will cause no prejudice to Debtors,
4 inasmuch as the Plan has been confirmed, the associated Fire Victim Trust funded, and so the
5 inclusion of Movants' claim in the pool of fire victim claims will have no impact at all on the
6 Debtors or the bankruptcy estates.

7 As to the second Pioneer factor, Movants' delay in filing this claim and any resultant
8 impact on these proceedings are exceedingly modest and immaterial for the same reasons
9 that Debtors will not be prejudiced.

10 As to the third Pioneer factor, the reason for the delay and whether it was in Movants'
11 reasonable control, claimant's counsel has no excuse as to why Laurice Mogannam was not
12 included in the claim. Claimant's counsel assigned an attorney with significant experience in
13 handling personal injury claims to contact claimants about their losses and other family
14 members impacted by the Tubbs Fire and draft the claim forms on behalf of the victims.
15 Unfortunately, during the process the attorney inadvertently left out and/or did not discover
16 this claimant along with two other claimants that had claims that should have been included
17 with the related family members. The other claimants' motions for relief have been filed
18 concurrently with this motion. Those other motions request to add A.W., a minor child,
19 daughter of Benjamin Wylie Claim No. 31133; and Cindy Mogannam, wife of Dr. Jiries
20 Mogannam to Dr. Mogannam's Claim No. 31120. Claimant's counsel did not uncover these
21 omissions until our office began preparing the transmission of supporting documents and the
22 Claims Questionnaire due on December 31, 2020, to the Fire Victim's Trust.

23 As to the final factor, Movants are acting in good faith in filing the claim as they are
24 victims of the Tubbs Fire that but for the mistake, they would have been included in claims
25 already timely filed in the Court. Based on the above, Claimant's counsel requests the claims
26 be allowed due to his own neglect as opposed to that of the victim of the Tubbs Fire.

27 **CONCLUSION**

28 For the reasons set forth above, Movants respectfully request that this Court enter an

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- 1 order pursuant to Bankruptcy Rules 7015, 7017, and 9006(b)(l) as follows:
- 2 1. Granting this Motion;
- 3 2. Directing that Laurice Mogannam be added as a claimant to Exhibit 1, the Claim
- 4 Number 31126; or in the alternative;
- 5 3. Directing that Exhibit 2, the Proof of Claim, Claim Number (not yet assigned), be
- 6 deemed timely filed;
- 7 4. Granting such other or further relief as the Court deems just and proper.

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9 Dated: November 17, 2020.

Law Office of Robert M. Bone

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11 By: /s/ Robert M. Bone

12 ROBERT M. BONE

13 Attorneys for Claimants

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1 DECLARATION OF ROBERT M. BONE

2 I, Robert M. Bone, hereby declare:

3 1. I am an attorney at law duly licensed to practice before all state and federal
4 courts of the State of California.

5 2. My law firm represents wildfire victims who sustained losses from the Tubbs
6 Fire in 2017. My firm has timely filed on behalf of approximately 140 claimants with Prime
7 Clerk for losses our clients have suffered as a result of the Northern California Fires in 2017
8 and 2018.

9 3. I have significant experience in handling personal injury claims and it was my
10 responsibility to contact claimants about their losses and other family members impacted by
11 the Tubbs Fire and draft the claim forms on behalf of the victims. Unfortunately, during the
12 process I inadvertently left out and/or did not discover this claimant, Laurice Mogannam, wife
13 of Nader Mogannam, along with two other claimants that had claims that should have been
14 included with the related family members. The two other claimants motions for relief have
15 been filed concurrently with this motion. Those other motions request to add A.W., a minor
16 child, daughter of Benjamin Wylie Claim No. 31133; and Cindy Mogannam, wife of Dr. Jiries
17 Mogannam to Dr. Mogannam's Claim No. 31120.

18 4. Claimant Nader Mogannam timely filed a timely Proof of Claim in
19 this matter on October 17, 2019 for various losses caused by the Tubbs Fire. See Exhibit 1
20 attached hereto.

21 5. In reviewing Mr. Mogannam's claim form in anticipation of transmission of the
22 Claims Questionnaire due on December 31, 2020 to the Fire Victim's Trust, it was discovered
23 that I inadvertently failed to include Laurice Mogannam, Mr. Mogannam's wife, in the Proof of
24 Claim attached hereto as Exhibit 1. Laurice Mogannam should have been included as a
25 member of the same household. Unfortunately, I did not discover the omission of this fire
26 victim and the above until after the deadline to file a Proof of Claim.

27 6. On November 17, 2020, I filed an amended Proof of Claim that included
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1 Laurice Mogannam, Claim No. (not yet assigned) (See Exhibit 2 attached hereto.) We also
2 sought guidance from the Fire Victim's Trust about adding Laurice Mogannam to the claim.
3 Unfortunately, it does not appear this can be done without leave of the Court and therefore I
4 am respectfully requesting the Court grant such relief.

5 7. All statements in this declaration are based on my own personal knowledge
6 and observation and from my review of the court and business records in this case, or upon
7 information and belief as indicated. If called to testify on this matter, I can and would
8 competently testify to the matters set forth in this Declaration.

9 8. I declare under penalty of perjury pursuant to the laws of the United States of
10 America that the foregoing is true and correct.

Executed this 17th day of November, 2020, in Santa Rosa, California.

Dated: November 17, 2020.

Law Office of Robert M. Bone

By: /s/ Robert M. Bone
ROBERT M. BONE
Attorneys for Claimants

EXHIBIT 1

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA (SAN FRANCISCO DIVISION)**

In re:
PG&E CORPORATION,
- and -
PACIFIC GAS AND ELECTRIC
COMPANY,
Debtors.

Bankruptcy Case
No. 19-30088 (DM)
Chapter 11
(Lead Case)
(Jointly Administered)

Proof of Claim (Fire Claim Related)

Read the instructions before filing this claim form. This form is for tort claimants who have a claim against the Debtors (i.e. PG&E Corporation and Pacific Gas and Electric Company) that arose prior to the Debtors filing for bankruptcy (i.e. prior to January 29, 2019) and that arose from, or relates to, a fire.

Do not use this form for non-fire claims. Non-fire tort claimants should use Form 410.

Do NOT file a fraudulent claim. A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Please type or print in the spaces below. Do NOT use red ink or pencil.

Part 1: Identify the Claim

1. Who is the current creditor?	MOGANNAM, NADER <small>Name of the current creditor (the person or entity to be paid for this claim)</small>	
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes. From whom? _____
3. Are you filing this claim on behalf of your family?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	If you checked "Yes", please provide the full name of each family member that you are filing on behalf of: A family is a group of two or more people related by birth, marriage, domestic partnership, or adoption and residing together. All such people are considered as members of one family.
4. Where should notices and payments to the creditor be sent?	Where should notices to the creditor be sent?	Where should payments to the creditor be sent? (if different)
Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Name: MOGANNAM, NADER Attorney Name (if applicable): Bone, Robert M Attorney Bar Number (if applicable): 181526 Street Address: 645 FOURTH STREET, SUITE 205 City: SANTA ROSA State: CA Zip Code: 95404 Phone Number: (707)525-8999 Email Address: bob@robertbonelaw.com	Name: MOGANNAM, NADER Attorney Name (if applicable): Crowley, Daniel F Attorney Bar Number (if applicable): 130261 Street Address: P.O. BOX R City: SAN RAFAEL State: CA Zip Code: 94913 Phone Number: (707)525-8999 Email Address: dcrowley@dcalaw.com
5. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known)	Filed on _____ MM / DD / YYYY
6. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing?	_____

Part 2: Give Information About the Claim as of the Date this Claim Form is Filed

7. What fire is the basis of your claim?

Check all that apply.

Camp Fire (2018)

North Bay Fires (2017)

Ghost Ship Fire (2016)

Butte Fire (2015)

Other (please provide date and brief description of fire): _____

8. What are the loss location(s) where you and/or your family suffered harm? (e.g. home or business address, place of injury, place from which you were evacuated, if different.)?

Location(s):

1932 San Salvador Dr, Santa Rosa, CA 95403-1932

9. How were you and/or your family harmed?

Check all that apply

Property Damage (homes, structures, personal property, land, trees, landscaping, and all other property damage)

Owner Renter Occupant Other (Please specify): _____

Personal Injury

Wrongful Death (if checked, please provide the name of the deceased)

Name: _____

Business Loss/Interruption

Lost wages and earning capacity

Loss of community and essential services

Agricultural loss

Other (Please specify): _____

10. What damages are you and/or your family claiming/seeking?

Check all that apply

Economic damages (including replacement cost of damaged property, diminution in value, loss of use, lost inventory, lost profits, and other economic damage)

Non-economic damages (including loss of society and support, loss of consortium, pain and suffering, emotional distress, annoyance and discomfort, and other non-economic damage)

Punitive, exemplary, and statutory damages

Attorney's fees and litigation costs

Interest

Any and all other damages recoverable under California law

Other (Please specify): _____

11. How much is the claim?

(optional)

Unknown / To be determined at a later date

Part 3: Sign Below

The person completing
this proof of claim must
sign and date it.
FRBP 9011(b).

If you file this claim
electronically, FRBP
5005(a)(2) authorizes courts
to establish local rules
specifying what a signature
is.

A person who files a
fraudulent claim could be
fined up to \$500,000,
imprisoned for up to 5
years, or both.
18 U.S.C. §§ 152, 157, and
3571.

Check the appropriate box:

I am the creditor.

I am the creditor's attorney or authorized agent.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 09/24/2019 (mm/dd/yyyy)

/s/Robert M. Bone

Signature

Name	Robert	Murray	Bone
	First name	Middle name	Last name
Title	Principal		
Company	Law Office of Robert M. Bone		
Identify the corporate servicer as the company if the authorized agent is a servicer.			
Address	645 Fourth Street, Suite 205		
	Number	Street	
	Santa Rosa	CA	95404
	City	State	ZIP Code
Contact phone	7075258999		Email <u>bob@robertbonelaw.com</u>

EXHIBIT 2

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA (SAN FRANCISCO DIVISION)**

In re:
PG&E CORPORATION,
- and -
PACIFIC GAS AND ELECTRIC
COMPANY,
Debtors.

Bankruptcy Case
No. 19-30088 (DM)
Chapter 11
(Lead Case)
(Jointly Administered)

Proof of Claim (Fire Claim Related)

Read the instructions before filing this claim form. This form is for tort claimants who have a claim against the Debtors (i.e. PG&E Corporation and Pacific Gas and Electric Company) that arose prior to the Debtors filing for bankruptcy (i.e. prior to January 29, 2019) and that arose from, or relates to, a fire.

Do not use this form for non-fire claims. Non-fire tort claimants should use Form 410.

Do NOT file a fraudulent claim. A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Please type or print in the spaces below. Do NOT use red ink or pencil.

Part 1: Identify the Claim

1. Who is the current creditor?	Nader Mogannam		
	Name of the current creditor (the person or entity to be paid for this claim)		
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____		
3. Are you filing this claim on behalf of your family?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <p>If you checked "Yes", please provide the full name of each family member that you are filing on behalf of: Laurice Mogannam</p>		
4. Where should notices and payments to the creditor be sent?	Where should notices to the creditor be sent? Name _____ Attorney Name (if applicable) _____ Attorney Bar Number (if applicable) _____ Street Address _____ City _____ State _____ Zip Code _____ Phone Number _____ Email Address _____	Where should payments to the creditor be sent? (if different) Name _____ Attorney Name (if applicable) _____ Attorney Bar Number (if applicable) _____ Street Address _____ City _____ State _____ Zip Code _____ Phone Number _____ Email Address _____	10/17/2019 MM / DD / YYYY
5. Does this claim amend one already filed?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Claim number on court claims registry (if known) <u>31126</u>		
6. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____		

Part 2:**Give Information About the Claim as of the Date this Claim Form is Filed**

7. What fire is the basis of your claim? Check all that apply.		<input type="checkbox"/> Camp Fire (2018) <input checked="" type="checkbox"/> North Bay Fires (2017) <input type="checkbox"/> Ghost Ship Fire (2016) <input type="checkbox"/> Butte Fire (2015) <input type="checkbox"/> Other (please provide date and brief description of fire): _____
8. What are the loss location(s) where you and/or your family suffered harm? (e.g. home or business address, place of injury, place from which you were evacuated, if different.)?		Location(s): 1932 San Salvador Drive, Santa Rosa, CA 95403-1932
9. How were you and/or your family harmed? Check all that apply		<input checked="" type="checkbox"/> Property Damage (homes, structures, personal property, land, trees, landscaping, and all other property damage) <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Renter <input type="checkbox"/> Occupant <input type="checkbox"/> Other (Please specify): _____ <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Wrongful Death (if checked, please provide the name of the deceased) _____ <input checked="" type="checkbox"/> Business Loss/Interruption <input checked="" type="checkbox"/> Lost wages and earning capacity <input checked="" type="checkbox"/> Loss of community and essential services <input type="checkbox"/> Agricultural loss <input type="checkbox"/> Other (Please specify): _____
10. What damages are you and/or your family claiming/seeking? Check all that apply		<input checked="" type="checkbox"/> Economic damages (including replacement cost of damaged property, diminution in value, loss of use, lost inventory, lost profits, and other economic damage) <input checked="" type="checkbox"/> Non-economic damages (including loss of society and support, loss of consortium, pain and suffering, emotional distress, annoyance and discomfort, and other non-economic damage) <input checked="" type="checkbox"/> Punitive, exemplary, and statutory damages <input checked="" type="checkbox"/> Attorney's fees and litigation costs <input checked="" type="checkbox"/> Interest <input checked="" type="checkbox"/> Any and all other damages recoverable under California law <input type="checkbox"/> Other (Please specify): _____
11. How much is the claim?		<input type="checkbox"/> \$ _____ (optional) <input checked="" type="checkbox"/> Unknown / To be determined at a later date

Part 3: Sign Below

The person completing
this proof of claim must
sign and date it.
FRBP 9011(b).

If you file this claim
electronically, FRBP
5005(a)(2) authorizes courts
to establish local rules
specifying what a signature
is.

A person who files a
fraudulent claim could be
fined up to \$500,000,
imprisoned for up to 5
years, or both.
**18 U.S.C. §§ 152, 157, and
3571.**

Check the appropriate box:

- I am the creditor.
 I am the creditor's attorney or authorized agent.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true
and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Signature: Robert M. Bone
Robert M. Bone (Nov. 17, 2020 13:31 PST)

Email: bob@robertbonelaw.com

Signature

Print the name of the person who is completing and signing this claim:

Name	Robert Murray Bone		
	First name	Middle name	Last name
Title			
Company	Law Office of Robert M. Bone		
Identify the corporate servicer as the company if the authorized agent is a servicer.			
Address	645 Fourth Street, Suite 205		
	Number	Street	
	Santa Rosa		CA
	City	State	ZIP Code
Contact phone	(707) 525-8999		Email
	bob@robertbonelaw.com		

Attach Supporting Documentation (limited to a single PDF attachment that is less than 5 megabytes in size and under 100 pages):

I have supporting documentation.
(attach below)

I do not have supporting documentation.

PLEASE REVIEW YOUR PROOF OF CLAIM AND SUPPORTING DOCUMENTS AND REDACT ACCORDINGLY PRIOR TO UPLOADING THEM. PROOFS OF CLAIM AND ATTACHMENTS ARE PUBLIC DOCUMENTS THAT WILL BE AVAILABLE FOR ANYONE TO VIEW ONLINE.

IMPORTANT NOTE REGARDING REDACTING YOUR PROOF OF CLAIM AND SUPPORTING DOCUMENTATION When you submit a proof of claim and any supporting documentation you must show only the last four digits of any social-security, individual's tax-identification, or financial-account number, only the initials of a minor's name, and only the year of any person's date of birth. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information.

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. The responsibility for redacting personal data identifiers (as defined in Federal Rule of Bankruptcy Procedure 9037) rests solely with the party submitting the documentation and their counsel. Prime Clerk and the Clerk of the Court will not review any document for redaction or compliance with this Rule and you hereby release and agree to hold harmless Prime Clerk and the Clerk of the Court from the disclosure of any personal data identifiers included in your submission. In the event Prime Clerk or the Clerk of the Court discover that personal identifier data or information concerning a minor individual has been included in a pleading, Prime Clerk and the Clerk of the Court are authorized, in their sole discretion, to redact all such information from the text of the filing and make an entry indicating the correction.